

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Robert Weiss,

Plaintiff,

vs.

REPORT AND RECOMMENDATION

M.D. Jim Dey, Joyce
Anderson, Warden R. Rios,
and Harley Lappin,

Defendants.

Civ. No. 08-511 (PAM/RLE)

* * * * *

This matter came before the undersigned United States Magistrate Judge upon routine supervision of cases filed in this Division, and upon an assignment made in accordance with Title 28 U.S.C. §636(b)(1)(B).

This action was commenced on February 25, 2008, by the filing of a Complaint, and an Application to proceed in forma pauperis (“IFP”). See, Docket Nos. 1, 3. On February 28, 2008, we deferred any ruling on the Plaintiff’s Application for IFP status, and directed the Plaintiff to submit an initial partial filing fee, and one completed United States Marshal Service form for each named Defendant, by no later than March 28, 2008. See, Docket No. 4. The Plaintiff was further admonished that

if he failed to comply with our directives, we would recommend that this action be dismissed, without prejudice, for failure to prosecute. Id.

The Plaintiff has failed to abide by the terms of our Order of February 28, 2008. Since we have previously warned the Plaintiff of the potential consequences for his failure to timely pay a partial filing fee, and to abide by the Orders of this Court, we recommend that this action be dismissed, for failure to comply with this Court's Order of February 28, 2008, for failure to pay the partial filing fee, and for lack of prosecution.

NOW, THEREFORE, It is --

RECOMMENDED:

1. That this action be dismissed for failure to comply with this Court's Order of February 28, 2008, for failure to pay the partial filing fee, and for lack of prosecution.

2. That the Plaintiff's application to proceed in forma pauperis [Docket No. 3] be denied, as moot.

Dated: April 4, 2008

s/Raymond L. Erickson
Raymond L. Erickson
CHIEF U.S. MAGISTRATE JUDGE

NOTICE

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than April 21, 2008**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than April 21, 2008**, unless all interested parties stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.